

Message Text

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CUSTOMS:SKEITZ (NEW YORK)

CUSTOMS:IKSMITH

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE

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E.O. 11652: N/A

TAGS: ETRD, CS

SUBJECT: U.S. CUSTOMS VALUATION OF CHAYOTE IMPORTED FROM
COSTA RICA

REF: SAN JOSE 2605

1. CUSTOMS ADVISES THAT U.S. LAW PROVIDES THAT DUTY SHALL
BE LEVIED ON THE MARKET VALUE OF IMPORTED MERCHANDISE AND
THAT THE PRIMARY SOURCES OF INFORMATION FOR ESTABLISHING
VALUE OF CHAYOTE (TSUS 137.75) ARE PUBLICATIONS OF
U.S. DEPARTMENT OF AGRICULTURE AND CUSTOMS' OWN CONTACTS
IN THE TRADE. CHRONIC UNDER-INVOICING TO EVADE COSTA
RICAN CURRENCY CONTROLS, AND LESS-THAN-ARMS-LENGTH NATURE
OF MANY OF THE TRANSACTIONS MAKES INVOICE VALUES ON
CHAYOTE VIRTUALLY WORTHLESS FOR CUSTOMS VALUATION
PURPOSES. CUSTOMS' NEW YORK OFFICE HAS OVER 40 FRAUD
CASES CURRENTLY PENDING IN VEGETABLES FROM THE CARIBBEAN
ALONE AND SAYS FIRMS INVOLVED IN TRADE TEND TO BE VERY
UNCOOPERATIVE. CUSTOMS REP SAID THAT CHAYOTE, LIKE ANY
VEGETABLE PRODUCT, IS SUBJECT TO SEASONAL FLUCTUATIONS
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IN PRICE AND THAT THE RECENT INCREASE IN U.S. CUSTOMS

VALUATION PROBABLY REFLECTS SUCH A FLUCTUATION.

2. EMBASSY MAY DRAW ON THE INFORMATION CONTAINED PARA 1 ABOVE AS APPROPRIATE IN RESPONDING TO GOCR INQUIRY THIS MATTER. EMBASSY REP MIGHT ALSO WISH TO MENTION THAT IMPORTERS, NOT EXPORTERS, HAVE THE RIGHT TO REQUEST A REVIEW OF A VALUATION DECISION BUT THAT NONE HAVE DONE SO WITH RESPECT TO CHAYOTE. KISSINGER

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